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Buy 1398 1862 N.Y. [N.A.]

AN ACT

CONCERNING THE PUBLIC HEALTH OF THE COUNTIES OF
NEW-YORK, KINGS AND RICHMOND, AND THE WATERS
THEREOF.

*The People of the State of New-York, represented in Senate
and Assembly, do enact as follows:*

SECTION 1. The Governor, with the consent of the Senate, shall appoint seven citizens who, with the Health Officer, the Mayors of New-York and Brooklyn, and the President of the Board of Supervisors of the County of Richmond, shall be called the Metropolitan Board of Health. Four of said seven citizens, two of whom shall be practicing physicians, shall reside in the city of New-York, two in the county of Kings, one of whom shall be a physician residing in Brooklyn, and one in the county of Richmond. One of said seven citizens shall be appointed to serve for one year, one for two years, one for three years, one for four years, one for five years, one for six years, and one for seven years, and thereafter there shall annually be appointed one to serve seven years; but the proportion of physicians in said board, and the residences hereinbefore mentioned, shall be maintained.

§ 2. The powers and duties of the boards of health and of all bureaux, offices and departments relating to the public health of the cities of New-York and Brooklyn and in the counties of Kings and Richmond are hereby solely vested in the Metropolitan Board of Health, but they shall forth-

with discontinue all unnecessary bureaux, departments and offices, and reconstruct those which may be retained, in such manner as may best promote an efficient and economical administration of the same. They are hereby constituted the Commissioners of Health, and shall perform the duties and possess the powers now vested in such commissioners; but they may appoint, from time to time, a committee of their body, not less than three in number, one from New-York, one from Brooklyn, and one from Richmond county, who, with the Executive Officer of the Board and the Health Officer, may act as commissioners of health, but whose acts shall be at all times subject to revision by the Board of Health. Said board may designate the ports, places, or territories from which vessels, cargoes, or persons, shall be subject to Quarantine restrictions, and the diseases that shall be subject thereto and may also designate by buoys suitably placed in the lower bay of New-York, anchorage for vessels infected or dangerous to health. The Board of Health shall also, in the cities and counties named in this act, enforce all laws and ordinances prohibiting or regulating the sale of poisonous, adulterated, or unwholesome drugs, medicine, or food. The laws relating to the registration of births, marriages, and deaths in the city and county of New-York are hereby extended and applied to the county of Kings. The laws and ordinances relating to the public health, interments, and the registration of births, marriages and deaths, of the cities of New-York and Brooklyn and of the boards of health in the counties of Kings and Richmond, are hereby made the ordinances of the Metropolitan Board of Health, subject to amendment and revision by said board. All proceedings for the enforcement thereof and for the collection of fines or infliction of penalties for the breach of the same, shall be instituted and prosecuted solely by said board.

§ 3. Whenever any street or public place in the city of New-York or Brooklyn shall be found not properly cleaned, the board shall give notice thereof to the parties whose duty it may be to clean such street or place, and require the same to be properly cleaned within a specified time; and in default of compliance said board shall cause such street or place to be cleaned, and the expenses thereof shall be paid by the department, or authorities, or contracting parties, whose duty it was, in any event, to clean such street or place, and in case of the neglect or refusal to pay the same, the said board shall be entitled to recover from such parties the amount so expended, and shall institute and prosecute an action or actions at law therefor.

§ 4. If any house, room, or premises, within the cities and counties named in this act occupied as a dwelling, shall be found unfit for such purpose from any cause injurious to the public health, it shall immediately be reported to the Board of Health, who shall keep an open record thereof, and after due personal examination, upon being satisfied that such report is true, they shall serve a notice upon the lessee, or if there be no lessee, upon the owner, directing the same to be put in proper order and condition; and said room, house, or premises shall not be occupied under a penalty of ten dollars for every day it may be so occupied, after sufficient time shall have elapsed to comply with such order, to be recovered of the said lessee or owner, until said order is complied with to the satisfaction of said Board. Any person so notified may, within four days after the service of such order, appeal therefrom by giving a written notice of such appeal; and the board shall thereupon forthwith proceed to hear and decide such appeal, and their decision shall be final. Should any room, cellar, dwelling place or premises in said district be found

to be in a condition dangerous to the public health by reason of emanations from the soil, or other place, defective drainage, or any other cause, the same shall be reported forthwith to the Board of Health who shall, upon being satisfied of its correctness, serve a notice upon the lessee, or if there be no lessee, upon the owner, directing him to cleanse and purify said place or premises, and remove the offending cause within a specified time; and in default of compliance the Board shall cause such service to be performed, and all the costs thereof, and a penalty of fifty dollars, shall be imposed upon and collected of said lessee or owner, by summary proceedings before a magistrate or police justice. All fines and penalties collected under the provisions of this act, shall be deposited in the treasury of the county in which they were collected, for the use of the said board in said county, to be drawn out only upon the warrant of their treasurer, countersigned by their president, specifying the object of such warrant.

§ 5. All books, records and documents pertaining to the public health, and the registration of births, marriages, deaths and interments, and all the property connected therewith, now in use or belonging to any office created by law in the cities of New-York and Brooklyn, and the counties of Kings and Richmond, shall become the property of, and be transferred to the Metropolitan board of health. All institutions supported in whole or in part at public expense, now existing, or hereafter established in the counties named in this Act, shall make such returns to the Metropolitan Board of Health, as said board may deem necessary to ascertain the sanitary condition of said counties or any part thereof. The provisions of the statutes of this state relating to the removal from office of sheriffs, are hereby made applicable to each of the appointed mem-

bers of the Metropolitan Board of Health. Said board shall make an annual report of their transactions to the legislature. No business exclusively affecting any one county shall be transacted without the concurrence of at least one member from such county. Meetings shall be held at least once in each week. Said Board shall appoint as their chief executive officer a practicing physician of skill and experience, and an inspector of health for the county of Kings, of like qualifications. Vacancies in the number of the appointed members of the Metropolitan Board of Health, shall be filled by the governor, subject to approval by the senate at its next session, for the remainder of the unexpired term.

§ 6. The appointed members of the Metropolitan Board of Health shall each receive an annual salary of one thousand dollars; and the members of the committee of said board who act as Commissioners of Health, shall receive such additional remuneration as the said board may determine, not exceeding five hundred dollars per annum, which shall be charged as expenses of quarantine. Any expenses incurred by the said board in their capacity of Commissioners of Health, shall become a charge upon the counties named in this Act, and shall be apportioned to them in the ratio of their representation in the assembly of this state; but the salaries of the members of said Board of Health shall be paid by the counties from which they are respectively appointed.

§ 7. The moneys required for the administration of this Act, shall be provided by the proper authorities of the counties herein named, upon estimates previously prepared and certified by said Board of Health, and submitted to said authorities in the manner provided by law in regard to city

and county expenditures; but all expenses which shall be incurred for the exclusive benefit of any one or two of said counties, and shall be so certified by a majority of said board, under oath or affirmation, shall be paid by such county or counties respectively. Should the funds so provided be inadequate to meet extraordinary expenditures rendered necessary by the prevalence of any epidemic or infectious disease, or by any other emergency which may threaten the public health, such deficiencies shall be supplied by said authorities, and they are hereby required, with the assent of the governor, to raise by loan, in anticipation of the annual tax, such sum or sums as shall be certified to be necessary by the Metropolitan Board of Health to meet such deficiencies.

§ 8. All acts or parts of acts inconsistent with any of the provisions of this act, are hereby repealed.

§ 9. This act shall take effect immediately.

